

REMARKS

Reconsideration and allowance of this application are respectfully requested.

By this Amendment, Applicant has amended independent claims 1, 9 and 15 and added new independent claim 23. Claims 1, 9 and 15 have been amended to clarify the recited subject matter. New claim 23 has been added to capture a different scope of Applicant's invention. Support for the changes claims 1, 9, 15, and for new claim 23 may be found in the specification at, for example, pages 5, 6 and 11.

Claims 1-23 are now pending in this application.

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,941,350 to *Frazier et al.* ("*Frazier*"). *Frazier* cannot support a rejection of claim 1 under Section 102 because the reference fails to disclose "monitoring to detect specified events in the network using the management process and then forward a count of the detected specified events to the discovery-related process, and/or monitoring to detect arrival of a predetermined point in time; and placing the discovery-related process from the standby mode into the active mode when the count of the detected specified events exceeds a threshold" (emphasis added), as recited in claim 1.

Claim 1 broadly encompasses the exemplary embodiment illustrated in FIG. 1 of Applicant's specification. FIG. 1 shows a method of managing a discovery-related process in a network (e.g., network 210 of FIG. 2). The FIG. 1 method includes: identifying topology information of a network using a discovery-related process in an active mode (step 102); signaling a management process when the discovery-related process completes identification of the network's topology information (step 104); placing the discovery-related process from the active mode into a standby mode using the management process (step 106) monitoring to detect specified

events in the network using the management process (step 108); forwarding the detected specified events to the discovery-related process (step 110); and placing the discovery-related process from the standby mode into the active mode when the detected specified events exceed a threshold.

Frazier discloses a method for selecting a master network manager, wherein a first node shifts to a standby mode if it discovers another master subnet manager and/or a higher-priority node. (See, e.g., *Frazier*, abstract.) When a state machine 800 for the subnet manager starts, state machine 800 enters the discovering state S1 during which devices on the subnet are discovered. (*Frazier* at col. 11:24-66.) As discussed in this portion of the *Frazier* patent, if a subnet manager having a higher priority is detected or a master subnet manager is detected, then state machine 800 shifts to a standby state S2. In standby state S2, the subnet manager may be placed into non-active state S3 by the master subnet manager. A subnet manager in standby state S2 periodically polls the subnet for a response. If the master subnet manager responds to the poll, then state machine 800 remains in standby state S2. However, if the master subnet manager does not respond within the defined time out or after a predetermined number of retries, a state change occurs in which state machine 800 transitions from standby state S2 back to discovering state S1 to begin the discovery process again for selecting another master subnet manager.

The Examiner apparently asserts that *Frazier's* discovering process, discovering state S1, standby state S2, and polling requests correspond to Applicant's claimed "discovery-related process," "active mode," "standby mode," and "specified events," respectively. In addition, the Examiner appears to assert the above-described process corresponds to Applicant's claimed "monitoring to detect

specified events in the network using the management process" and "placing the discovery-related process from the standby mode into the active mode."

However, *Frazier* does not disclose or suggest "monitoring to detect specified events in the network using the management process and then forward a count of the detected specified events to the discovery-related process," as recited in claim 1. As described at col. 11, lines 24-66, the method disclosed by *Frazier* polls a master subnet manager for a response. If no response is received after a predetermined number of retries, subnet manager transitions from standby state S2 to discovering state. Thus, state machine 800 merely changes states after a certain number of polling requests. *Frazier* does not disclose that the number of polling requests is sent to the discovering process or anywhere else. There would have been no reason why *Frazier's* process would have any reason to share the polling information. Accordingly, *Frazier* does not teach or suggest "forwarding a count of the detected specified events to the discovery-related process" (emphasis added), as recited in Applicant's claim 1. Thus, *Frazier* also does not disclose or suggest "placing the discovery-related process from the standby mode into the active mode when the count of the detected specified events exceeds a threshold" (emphasis added), as recited in claim 1.

Because *Frazier* fails to disclose the above-noted features of claim 1, *Frazier* cannot support a rejection of claim 1 under 35 U.S.C. § 102(e). Claim 1 is, therefore, allowable over *Frazier*.

Independent claims 9, 15 and 23, although of different scope than claim 1, recite subject matter similar to that recited in claim 1. Accordingly, claims 9, 15, and 23 are allowable over *Frazier* for similar reasons to those set forth above with regard to claim 1.

Claims 2-8, 10-14 and 16-22 depend from claims 1, 9 and 15 respectively. Therefore, claims 2-8, 10-14 and 16-22 are allowable over *Frazier* at least due to their respective dependence from claims 1, 9 and 15.

Conclusion

For the reasons set forth above, Applicant respectfully requests allowance of the pending claims.


It is believed that this Amendment is accompanied by the required fees. However, if additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicant's undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 5, 2007

By:  56,636
for Patrick Keane
Registration No. 32,858

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620